

funds in hand belonging to such estate to pay and discharge any debt of such estate secured by lien on any of the real estate of said estate, he may, with the consent of the court in which such estate is pending, renew and extend such indebtedness, together with the lien securing the same. The renewal shall be made for the time and on such terms as the court may deem for the best interest of the estate, but no debt barred by limitation shall be renewed or extended. Such renewal or extension shall operate as a release of the other assets of the estate from liability for the payment of such debt.

Sec. 2. No such renewal or extension shall be made except by order of the court upon application therefor.

THIRTEENTH DAY.

Senate Chamber,
Austin, Texas,
March 11, 1930.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Gainer.	Stevenson.
Small.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Love:

S. B. No. 76, A bill to be entitled "An Act amending Article 2791, Title 49, Revised Civil Statutes of Texas, 1925, providing for tax assessors and collectors of independent school districts, fixing their powers and bond, prescribing the duties thereof, and fixing the fees of said assessors and collectors so that the bond required of such tax assessors and collectors of independent school districts shall be in a sum equivalent to forty per cent of the whole amount of the school district taxes for the district as shown by the last preceding assessment, provided said bond shall in no event exceed fifty thousand dollars; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Patton:

S. B. No. 77, A bill to be entitled "An Act to amend Chapter 81, page 224, of the General and Special Laws of the First Called Session of the Fortieth Legislature, 1927, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Patton:

S. B. No. 78, A bill to be entitled "An Act to amend Article 7150, Revised Civil Statutes of Texas, 1925, providing for the exemption of certain property from taxation, by adding thereto another Section No. 3a, wherein it is provided that property heretofore or hereafter acquired by the State for prison farms or other prison purposes shall not be exempt from payment of its pro rata of any maintenance tax of a public school district which said territory or property is a part; providing for the manner of assessing such taxes, how they shall be paid; and providing for the payment of such taxes where delinquent as well as to the future payment thereof."

Read first time and referred to Committee on State Affairs.

By Senator Neal:

S. B. No. 79, A bill to be entitled "An Act empowering the county

school board of trustees with the authority to add by annexation, or consolidation, or extension of boundary line any contiguous common school districts with any independent school district for high school or elementary school purposes and maintaining the administrative identity and administrative authority of such independent school district to which such school or schools are annexed for teaching purposes."

Read first time and referred to Committee on Educational Affairs.

By Senator Hornsby:

S. B. No. 80, A bill to be entitled "An Act providing for an article to be known as No. 2352-a of the Revised Civil Statutes of Texas, and providing that should there be any surplus remaining in the General Fund for county purposes, as provided for in Article 2352 of the Revised Civil Statutes of Texas, 1925, at the end of any calendar year, then the commissioners' court of any county may, by their written order, transfer the balance, or surplus, or any part thereof remaining in said General Fund to the Road and Bridge Common Fund of said county; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

Senators Excused.

The following Senators were excused for the day on account of important business:

Senator Gainer, on motion of Senator Hyer.

Senator Small, on motion of Senator Parrish.

Senator Pollard, on motion of Senator Westbrook.

On motion of Senator Hardin, Senator Stevenson was excused for the day on account of illness.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolution:

H. C. R. No. 9.

H. B. No. 29.

H. B. No. 57.

Simple Resolution No. 15.

Senator Woodul sent up the following resolution:

By Senator Woodul:

Whereas, The Honorable Andrew J. Sordoni, member of the Pennsylvania Senate, is visiting in our State and is now on the floor of the Senate, therefore be it

Resolved That Senator Sordoni be extended the privileges of the floor and invited to address the Senate.

WOODUL,
COUSINS,
THOMASON.

Read and adopted.

The Chair appointed Senators Woodul, Cousins and Thomason to escort Senator Sordoni to the platform.

Senator Sordoni Speaks.

The Chair introduced Senator Woodul who introduced Senator Sordoni. Senator Sordoni briefly addressed the Senate.

Senate Bill No. 73.

The Chair laid before the Senate on its second reading the following bill:

By Senator Westbrook:

S. B. No. 73, A bill to be entitled "An Act fixing the salary of the county commissioners of certain counties according to the latest approved tax rolls of the county, and declaring an emergency."

The committee report was adopted.

The bill was read second time.

On motion of Senator DeBerry the bill was laid on the table subject to call.

Senate Bill No. 31.

The Chair laid before the Senate on its third reading the following bill:

By Senator Neal:

"An Act to extend the term of office of elective county superintendents of public instruction to four years and declaring an emergency."

Read third time and finally passed by the following vote:

Yeas—11.

Beck.
Cousins.

Greer.
Hornsby.

Love. Westbrook.
Neal. Woodul.
Pollard. Woodward.
Thomason.

Nays—5.

Berkeley. Moore.
Holbrook. Wirtz.
McFarlane.

Absent.

Hyer. Parrish.

Absent—Excused.

Stevenson.

(Pairs Recorded.)

Senator DeBerry (present) who would vote nay, with Senator Small (absent) who would vote yea.

Senator Hardin (present) who would vote nay, with Senator Patton (absent) who would vote yea.

Senator Martin (present) who would vote nay, with Senator Gainer (absent) who would vote yea.

Senator Miller (present) who would vote nay, with Senator Parrish (absent) who would vote yea.

Senator Parr (present) who would vote yea, with Senator Cunningham (absent) who would vote nay.

Senator Russek (present) who would vote nay, with Senator Witt (absent) who would vote yea.

Senate Bill No. 54.

The Chair laid before the Senate on its second reading the following bill:

By Senator Parr:

S. B. No. 54, A bill to be entitled "An Act authorizing counties of a certain class according to population and cities situated therein owning a joint interest with such counties in a hospital, to lease such hospital to be operated as such; prescribing regulations related to said subject; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 54 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
DeBerry.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent.

Cunningham. Parrish.

Absent—Excused.

Gainer. Stevenson.
Small.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Greer. Stevenson.
Small.

Senate Bill No. 36.

Senator McFarlane called up from the table the following bill:

By Senator McFarlane:

S. B. No. 36, A bill to be entitled "An Act to amend Article 1747, of the Revised Civil Statutes of Texas, 1925, so as to permit persons unable to pay costs or give security therefor, to be entitled to prosecute their appeal in the appellate courts without requiring any bond, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator McFarlane the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 36 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller	Woodward.

Absent—Excused.

Greer.	Stevenson.
Small.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Greer.	Stevenson.
Small.	

Senate Bill No. 61.

The Chair laid before the Senate on its second reading the following bill:

By Senator Greer:

S. B. No. 61, A bill to be entitled "An Act providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the

county and work in co-operation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose; and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Greer the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 61 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Greer.	Stevenson.
Small.	

Read third time and finally passed.

Senate Bill No. 64.

The Chair laid before the Senate on its second reading the following bill:

By Senator Parr:

S. B. No. 64, A bill to be entitled "An Act to validate the grant of land made by the Crown of Spain to Jose Clemente Gutierrez, his heirs and assigns, of Porcion 41, lying and being situated in Zapata County, Texas, and to authorize the Commissioner of the General Land Office to issue patent to Jose Clemente Gutierrez, his heirs and assigns, to said Porcion, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was

suspended and S. B. No. 64 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Greer.	Stevenson.
Small.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Gainer.	Stevenson.
Small.	

House Bill No. 42.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Savage:

H. B. No. 42, A bill to be entitled "An Act granting certain rights of eminent domain to water improvement districts, authorizing such districts to acquire by condemnation the fee simple title, easement or right of way in, over or through any and all lands for any of its necessary and authorized purposes, except lands

used for cemetery purposes, and lands used for supplying water under the laws of this State; defining certain purposes for which property may be condemned by such districts, including the condemnation of riparian rights and the condemnation of materials to be used for any lawful purposes of water improvement districts, and creating an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 42 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Gainer.	Stevenson.
Small.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Gainer.	Stevenson.
Small.	

Senate Bill No. 48.

The Chair laid before the Senate on its second reading the following bill:

By Senator Love:

S. B. No. 48, A bill to be entitled "An Act to amend Articles 4343, 4368 and 4388 of the Revised Civil Statutes of Texas of 1925, and declaring an emergency."

The bill was read second time.

Senator Love sent up the following amendment:

Amend S. B. No. 48 by adding after the words "on a deposit warrant" in Section 3 and before the words "the head of any department" the following: "within five days after the receipt of such moneys."

LOVE.

Read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Love the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 48 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Gainer.	Stevenson.
Small.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Hornsby.
Berkeley.	Hyer.
Cousins.	Love.
Cunningham.	Martin.
DeBerry.	McFarlane.
Greer.	Miller.
Hardin.	Moore.
Holbrook.	Neal.

Parr.	Westbrook.
Parrish.	Williamson.
Patton.	Wirtz.
Pollard.	Witt.
Russek.	Woodul.
Thomason.	Woodward.

Absent—Excused.

Gainer.	Stevenson.
Small.	

Senate Bill No. 73.

Senator Westbrook called up from the table S. B. No. 73.

The bill passed to engrossment by the following vote:

Yeas—26.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Greer.	Russek.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Moore.	

Nay—1.

Miller.

Absent—Excused.

Gainer.	Stevenson.
Small.	

On motion of Senator Westbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 73 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Greer.	Russek.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Nays—2.

Miller.

Moore.

Absent—Excused.

Gainer.
Small.

Stevenson.

Read third time and finally passed
by the following vote:

Yeas—25.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
Greer.	Russek.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Neal.	

Nays—2.

Miller.

Moore.

Present—Not Voting.

DeBerry.

Absent—Excused.

Gainer.
Small.

Stevenson.

Senate Bill No. 49.

The Chair laid before the Senate
on its second reading the following
bill:

By Senators Miller, Williamson:

S. B. No. 49, A bill to be entitled
"An Act providing for the temporary
registration or visiting privileges in
this State of vehicles owned by the
citizens of another state or country
and duly registered under the laws
of said state or country for the cur-
rent year; etc., and declaring an
emergency."

Read second time.

Senator Berkeley sent up the fol-
lowing amendment:

Amend S. B. No. 49, Section 5,
page 135 of the Senate Journal, sec-
ond column, last line, by replacing
the period after the word "him"
with a comma, and adding the fol-
lowing: "Nor a resident of an ad-
joining state or country from op-
erating a privately owned vehicle,

not operated for hire, in this State,
at will, for the transaction of busi-
ness in connection with the owner's
trade or profession."

BERKELEY.

Read and adopted.

The bill passed to engrossment.

On motion of Senator Miller the
constitutional rule requiring bills to
be read on three several days was
suspended and S. B. No. 49 was put
on its third reading and final pas-
sage by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Gainer.
Small.

Stevenson.

Read third time and finally passed
by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Gainer.
Small.

Stevenson.

Senate Bill No. 41.

Senator Greer called up from the
table the following bill:

By Senator Martin, et al.:

S. B. No. 41, A bill to be entitled

"An Act realizing, approving and validating improvement bonds of levee improvement districts created under authority of Section 59, Article 16, Constitution, and levy of taxes in payment thereof, where such bonds have been approved by the Attorney General, registered by the State Comptroller, and thereafter sold and delivered; enacting provisions incident and necessary to the subject and purpose of this Act; and declaring an emergency."

Read second time.

Senator Greer sent up the following amendments:

Amend S. B. No. 41 by striking out all below the enacting clause and inserting the following:

Section 1. That where, under authority of Section 59, of Article 16, of the Constitution of the State of Texas, a majority of the resident property tax payers, being qualified electors of any levee improvement district heretofore created in conformity with the provisions and requirements of Chapter 25 and/or Chapter 44, of the General Laws passed at the Fourth Called Session of the Thirty-fifth Legislature, in 1918, or Chapter 21, of the General Laws passed at the Regular Session of the Thirty-ninth Legislature, in 1925, voting on the proposition, having voted at an election held in such levee improvement district in favor of the issuance of bonds of such district and the levy of taxes upon the taxable property therein, for the purpose of paying the interest on said bonds and providing a sinking fund for the redemption thereof, for the construction and maintenance of levees and other improvements within such district, the canvass of said vote, revealing such majority, having been recorded in the minutes of said county commissioners' court, and where thereafter, the county commissioners' court of the county in which such levee improvement district is situated, or the county commissioners' court of each county having lands embraced within a levee improvement district in any case where such district embraces lands in more than one county, by orders adopted and records in their minutes authorize the issuance of such bonds of such levee improvement district, prescribed the date

and maturity thereof, and rate of interest the bonds were to bear, the place of payment of principal and interest, and providing for the levy of taxes upon taxable property in each such levee improvement district sufficient to pay the interest on such bonds and to produce a sinking fund sufficient to pay the bonds at maturity, and such bonds were approved by the Attorney General and registered by the Comptroller of the State of Texas, and thereafter issued and delivered, each such election, and all acts and proceedings had and done in connection therewith by the county commissioners' court of the county or counties of jurisdiction in respect of such bonds and the levy of taxes, are hereby legalized, approved and validated; and such bonds, so sold and delivered, are hereby validated and constituted the legal obligations of such levee improvement district.

Sec. 2. That whenever any levee improvement district, operating under the assessed benefit plan of taxation, has heretofore voted and issued additional bonds for the purpose of constructing levees and other improvements, pursuant to amended or supplemental plans of reclamation duly approved by the State Reclamation Engineer, and the commissioners' court of the county of jurisdiction has passed and adopted orders setting down for hearing the petition or petitions of the owners of a majority of the acreage of lands included within such district, and/or supervisors of any such district praying for the issuance of additional bonds, and notices of such hearing in respect of the issuance of such additional bonds were issued and given in the manner and for the period of time prescribed by statute, and a hearing or hearings were held by the Commissioners' Court of the county of jurisdiction, pursuant to such notices, for the purpose of determining whether or not any such district, shall incur additional debt by the issuance of bonds, and the said court having found, by reason of such hearing, that such additional improvements were necessary, and that there was a necessity for the district to issue the additional series of bonds described in the petitions, and in the order and notices of such hearing, for the purpose of the con-

struction of such additional improvements, and, further, where the amount of the additional bonds, and the outstanding bonded indebtedness of any such district, did not exceed the amount of assessed benefits theretofore found and fixed in the final judgment and decree of the commissioners of appraisalment of any such district, and, further, where said bonds have heretofore been issued and sold, and the proceeds thereof used in the construction and maintenance of levees and other improvements, and for other lawful purposes, in the carrying out of the amended or supplemental plan of reclamation, the amount of bonds fixed in the order of said court calling said election, pursuant to such hearing, for the purposes set forth in the petition, or petitions, order and notice of hearing, and in the order and notice of election, is hereby found to be proper and necessary for said purposes, and is hereby ratified, confirmed, approved and validated; and said bonds are hereby declared to be the legal, valid and binding obligations of such levee improvement district, and the Commissioners' Court of the county in which such levee improvement district is situated, or the Commissioners' Courts in each county in which any part of such levee improvement district is situated (in event any such district includes lands situated in more than one county) are hereby fully authorized and empowered to levy upon and against all of the taxable property in any such district, and to collect, in the manner and at the times now or hereafter provided by statute, sufficient taxes to pay the interest on said bonds and provide a sinking fund for the payment of said bonds at maturity, such taxes to be levied and assessed based upon the amount of assessed benefits as now, or may hereafter be, fixed by the commissioners of appraisalment of any such district.

Sec. 3. The public importance of this measure creates an emergency and a public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is suspended, and this Act shall take effect and be in force from and after its passage.

GREER.

The amendment was read and adopted.

Amend S. B. No. 41 by striking out all above the enacting clause and inserting the following caption:

By _____ S. B. No. 41.

A BILL

To Be Entitled

An Act legalizing, approving and validating improvement districts under authority of Section 59, Article 16, constitution, and levy of taxes in payment thereof, where such bonds have been approved by the Attorney General, registered by the State Comptroller, and thereafter sold and delivered; providing and authorizing levy of taxes in payment of additional bonds in levee districts operating under the assessed benefit plan of taxation; enacting provisions incident and necessary to the subject and purpose of this Act; and declaring an emergency.

GREER.

The amendment was read and adopted.

Senator Love sent up the following amendment:

Amend S. B. No. 41 by striking out, at the end of Section 2, all after the words: "such taxes to be levied and assessed based upon" and inserting in lieu thereof the following:

"The net benefits which it shall have been found by the Commissioners of Appraisalment, by appraisalment now, or that may hereafter be made, will accrue to each piece of taxable property within such district from the completion of the supplemental plan of reclamation and additional improvements for which such additional bonds are issued."

LOVE.

The amendment was read.

Special Order Set.

Senator Williamson moved to make S. B. No. 22 special order tomorrow morning after the morning call.

The motion prevailed.

Recess.

On motion of Senator Woodward the Senate, at 12:03 o'clock, recessed until 2:30 o'clock p. m.

After Recess.

The Senate met at 2:30 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives.
Austin, Texas, March 11, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 66, A bill to be entitled "An Act to provide for the sale by the State to H. L. McKee, his heirs and assigns, a certain tract or area of land situated in Jefferson county, Texas, same being submerged lands constituting a part of the bed of Sabine Lake, retaining to the State all minerals therein, and declaring an emergency."

H. B. No. 76, A bill to be entitled "An Act to provide for certificates to be issued by the collector of taxes of the State or any political subdivision in the State, showing payment of taxes, and that same shall be conclusive evidence of such payment as against the tax collector and his bondsmen, and providing a fee for each certificate."

H. B. No. 91, A bill to be entitled "An Act to amend Chapter 119, Section 1e, Acts of the Regular Session of the Forty-first Legislature, providing a size limit on speckled sea trout, red fish, drum, flounder and sheephead."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

Hall of the House of Representatives.
Austin, Texas, March 11, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 36, A bill to be entitled "An Act to amend Chapter 2 of Title 122 of the Revised Civil Statutes of Texas (1925) and to fix and provide for the collection of an occupation

tax from each individual, partnership, corporation or association conducting, operating, controlling, managing or owning within this State more than five general merchandise stores, drug stores, grocery stores, sporting goods stores, or a combination of any such stores, or which operate under the same style or name, using the same trade name, copyrighted name or system, whether by ownership or on royalty, franchise or other contractual basis."

H. B. No. 104, A bill to be entitled "An Act to amend Article 1747 of the Revised Civil Statutes of Texas, 1925, so as to permit persons unable to pay costs or give security therefor, to be entitled to prosecute their appeal in the appellate courts without requiring any bond, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

Senate Bill No. 41.

The question recurred on the pending amendment to S. B. No. 41.

The amendment was adopted.

The bill passed to engrossment.

On motion of Senator Martin the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 41 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane,	Woodul.
Miller.	Woodward,

Absent—Excused.

Gainer.	Stevenson.
Small.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Gainer.	Stevenson.
Small.	

House Bills Referred.

H. B. No. 76, referred to Committee on State Affairs.

H. B. No. 66, referred to Committee on Public Lands and Land Office.

H. B. No. 91, referred to Committee on State Affairs.

Senate Bill No. 49.

Senator DeBerry moved to reconsider the vote by which S. B. No. 49 was finally passed. The motion prevailed.

On motion of Senator DeBerry the vote by which the constitutional rule was suspended was reconsidered, the vote by which the bill was ordered engrossed was reconsidered, and the vote by which the amendment by Senator Berkeley was adopted was reconsidered.

On motion of Senator Miller the bill was laid on the table subject to call.

Senate Bill No. 67.

The Chair laid before the Senate on its second reading the following bill:

By Senators Neal and Beck:

S. B. No. 67, A bill to be entitled "An Act providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in cooperation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to

said purpose; and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 67 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Gainer.	Stevenson.
Small.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Gainer.	Stevenson.
Small.	

Senate Bill No. 55.

The Chair laid before the Senate on its second reading the following bill:

By Senator Martin:

S. B. No. 55, A bill to be entitled

"An Act to amend Section 84-a of Chapter 25, of the General Laws passed by the Thirty-ninth Legislature at its regular session in 1925, as amended by Chapter 82, Acts of the First Called Session of the Forty-first Legislature, so as to authorize such districts to declare an emergency in certain cases and under certain limitations and to issue interim bonds in evidence of such emergency loans, and to pledge taxes and bonds of the district to secure payment of such emergency loans evidenced by such interim bonds; and further to provide that this Act, when adopted, shall apply to water control and improvement districts, water improvement districts, levee improvement districts, drainage districts, and all other districts created under the provisions of the Section 59 of Article 16 of the Constitution of the State of Texas, and declaring an emergency."

Read second time.

Senator Moore sent up the following amendments:

Amend S. B. No. 55 by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. That Section 84-a, of Chapter 25, of the General Laws, passed at the Regular Session of the Thirty-ninth Legislature, in 1925, as amended by Chapter 82, Acts of the First Called Session of the Forty-first Legislature, is hereby amended so as to hereafter read as follows, to-wit:

"Section 85-a Whenever bonds, other than preliminary bonds or notes, are voted by any water control and improvement district, or any water improvement district, the board of directors thereof shall have power to declare an existing emergency in the matter of funds not being available for engineering work, for the purchase of lands for rights-of-way, and/or reservoir sites, for construction work, for legal and other necessary expenses, and for such purposes may issue securities on the faith and credit of the district in the manner hereinafter stated, to-wit:

"(1). The securities evidencing such emergency loan shall be known as 'interim bonds.' They shall mature not later than ten (10 years)

from date of issue, and shall be redeemable at any time prior to maturity as is hereinafter provided. The principal amount of such emergency loan shall not exceed twenty per cent (20%) of the principal amount of the bonds of the district which have been voted, but not sold; provided, however, that before the issuance of such bonds the board of directors of any district desiring to issue same may by resolution duly passed limit the issue to any amount less than twenty per cent (20%), and when such amount is determined and fixed by such resolution, no additional 'interim bonds' may be issued and sold until all outstanding 'interim bonds' have been paid in full.

"(2). When the bonds of any such district, other than preliminary bonds have been authorized by the necessary favorable vote of the qualified electors, the board of directors thereof may, in its discretion, authorize the issuance of such bonds in whole or in parcels, as the needs of the district may require, and such board shall, and it is hereby made its duty, levy and provide for the annual assessment and collection of taxes sufficient to pay principal and interest of the bonds so authorized to be issued and sold. Such bonds may be authorized, and the taxes levied therefor, as aforesaid, and approved by the Attorney General and registered by the Comptroller of Public Accounts, prior to the filing of the report of the State Board of Water Engineers, provided for in Section 139, Chapter 25, Acts of 1925.

"(3). As the 'interim bonds' herein authorized, are issued and sold, it shall be the duty of the board of directors, by orders duly passed, to deposit in the district depository, bonds of said district that have been validated by the judgement of a court of competent jurisdiction, or, approved by the Attorney General and registered by the Comptroller of Public Accounts, as provided in Subsection 2, of this Act, and which said bonds shall be deposited in said depository to the credit of the 'interest and sinking fund account' created for the payment of such 'interim bonds'; provided, that the principal amount of bonds so deposited shall

aggregate at least one hundred and ten per centum (110%) of the principal of the series of 'interim bonds' to secure payment of which the said bonds are deposited.

"(4). The interest rate on the 'interim bonds' shall not exceed the interest rate on the bonds deposited to secure their payment. Such 'interim bonds' may be sold in the same manner and on the same terms provided by law for the sale of other bonds of any such district; and such 'interim bonds' shall be issued in the name of the district, signed by the president and attested by the secretary, with the seal of the district affixed thereto, and may be issued in such denominations as may be determined by the board of directors, and shall be approved by the Attorney General and registered by the Comptroller of Public Accounts in the same manner as hereinabove provided for the approval and registration of improvement bonds of such district; provided, when 'interim bonds' are sold at less than par value and accrued interest, the improvement bonds issued by such district must be sold at an increase over the price authorized by law in a sum sufficient to equal the discount allowed on the interim bonds.

"(5) To secure the loan evidenced by such 'interim bonds' the board of directors shall appropriate the tax levied for the payment of the bonds deposited to the credit of the 'interest and sinking fund account' of such 'interim bonds', or so much of such tax as may be necessary for that purpose, and the proceeds of such tax, when collected, shall be devoted exclusively to the payment of the principal and interest of such 'interim bonds'; provided, however, that nothing in this Act shall be construed as prohibiting the sale of any bonds of the district deposited to the credit of the 'interest and sinking fund account' of the 'interim bonds', or any other bonds of such district, but in event of the sale of any such bonds it is hereby made the duty of the district depository to apply the proceeds of any such sale, first, to the payment of the principal and accrued interest of all such 'interim bonds,' and the remainder to the purpose or purposes for which any such bonds may have been author-

ized; and, provided further, that in event none of the bonds of the district shall have been sold at the time of the maturity of any installment of the principal or interest on the 'interim bonds,' it shall be the duty of the depository to cancel bonds so deposited, and annexed interest coupons, equal in amount to the principal and interest of any such 'interim bonds' so paid off and discharged.

"(6). Said 'interim bonds' shall be redeemable, at the option of the board of directors of said district, at any time or times prior to maturity, upon payment by the district of principal and interest accrued to date fixed for redemption by said board, and whenever any such 'interim bonds' are called in for redemption before maturity, notice thereof in writing shall be given to the bank or banking house named as the place of payment in such bonds, or to its successors or assigns, by the secretary of the board of directors of the district. The secretary shall designate in such notice the bond or bonds so called for redemption and payment, setting forth the number or numbers thereof, and the date fixed for the redemption thereof, which date shall be not more than thirty (30) days after the date notice of call for payment is made. In event any of such 'interim bonds' so called for redemption are not presented, the same shall cease to bear interest from and after the date so fixed for redemption.

"(7). All interim bonds heretofore issued and sold under authority of Chapter 25, as amended by Chapter 82, Section 84-a, of the General Laws passed by the First Called Session of the Forty-first Legislature, must be refunded or paid in full before additional bonds may be issued and sold.

"(8). The inadequacy of the present law in relation to the subject-matter of this Act, and the public importance of this Act, create an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days before final passage be suspended, and such rule is hereby suspended, and this Act shall take effect and be in force

from and after its passage, and it is so enacted."

MOORE.

Read and adopted.

Amend the caption to S. B. No. 55 as follows:

"A BILL

To Be Entitled

"An Act to amend Section 84-a, of Chapter 25, of the General Laws passed at the Regular Session of the Thirty-ninth Legislature, in 1925, as amended by Chapter 82, of the General Laws, passed by the Forty-first Legislature, at its First Called Session, in 1929, so as to authorize water control and improvement districts and water improvement districts to declare an emergency in certain cases and under certain limitations, and to issue interim bonds in evidence of such emergency loans, and pledge taxes and bonds of such districts to secure payment of such emergency loans evidenced by such interim bonds; enacting provisions incident and necessary to the subject and purpose of this Act; and declaring an emergency."

MOORE.

Read and adopted.

The bill passed to engrossment.

On motion of Senator Martin the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 55 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Gainer.	Stevenson.
Small.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Gainer.	Stevenson.
Small.	

House Bills Referred.

H. B. No. 104, referred to Committee on Civil Jurisprudence.

H. B. No. 36, referred to Committee on State Affairs.

Senate Bill No. 57.

The Chair laid before the Senate on its second reading the following bill:

By Senator Small:

S. B. No. 57, A bill to be entitled "An Act to grant and sell to S. E. Damon certain land with reservation to the State of an interest in the minerals therein; providing terms of sale and declaring an emergency."

Read second time.

On motion of Senator Holbrook the bill was laid on the table subject to call.

Senate Bill No. 74.

The Chair laid before the senate the following bill:

By Senator Parrish:

S. B. No. 74, A bill to be entitled "An Act validating all elections, election orders, election proceedings and city ordinances annexing adjacent territory to, or extending and prescribing the corporate limits of any home rule city that has adopted a charter under Article Eleven (11), Section Five (5), of the Constitution of Texas, and the provisions of Chapter 147, Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, 1913, but

which city did not in fact have a population of five thousand according to the 1920 Federal census; and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Parrish the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 74 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Gainer.	Stevenson.
Small.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patten.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Present—Not Voting.

DeBerry.

Absent—Excused.

Gainer.	Stevenson.
Small.	

Senate Bill No. 69.

The Chair laid before the Senate on its second reading the following bill:

By Senator Witt:

S. B. No. 69, A bill to be entitled "An Act to amend Section 40 of Chapter 61 of the General Laws passed by the Forty-first Legislature at its Second Called Session which convened June 3, 1929, so as to give borrowers full credit for all payments and to preserve the contract time for repayment and to add a new section to be known as Section 47a, authorizing the Banking Commissioner of Texas to regulate withdrawals, and fixing venue in certain suits, and declaring an emergency."

On motion of Senator Witt, the bill was laid on the table subject to call.

House Bill No. 23.

Senator Witt moved to take up out of its regular order the following bill:

By Mr. Graves of Williamson, Mr. Stevenson and Mr. Sinks:

H. B. No. 23, A bill to be entitled "An Act to amend Chapter 81 of the General Laws of the State of Texas, passed by the Fourth Called Session of the Thirty-fifth Legislature, approved April 3, 1918, creating the Commission of Appeals of the State, as amended by Chapter 34 of the General Laws of the State of Texas, passed by the Second Called Session of the Thirty-sixth Legislature, approved July 25, 1919, as amended by Chapter 119 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-seventh Legislature, approved March 31, 1921, as amended by Chapter 154 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-eighth Legislature, approved March 30, 1923, as amended by Chapter 53 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-ninth Legislature, approved March 9, 1925, providing for the creation of a Commission to aid the Supreme Court of Texas, and declaring an emergency."

The motion was lost by the following vote:

Yeas—13.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Williamson.
Hardin.	Witt.
Hornsby.	Woodward.
Love.	

Nays—10.

DeBerry.	Miller.
Greer.	Parrish.
Holbrook.	Patton.
Martin.	Pollard.
McFarlane.	Thomason.

Present—Not Voting.

Wirtz.

Absent.

Hyer.	Westbrook.
Russek.	Woodul.

Absent—Excused.

Gainer.	Stevenson.
Small.	

(Two-thirds vote required.)

House Bill No. 91.

The Chair laid before the Senate the following bill:

By Mrs. Moore:

H. B. No. 91, A bill to be entitled "An Act to amend Chapter 119, Section 1e, Acts of the Regular Session of the Forty-first Legislature, providing a size limit on speckled sea trout, red fish, drum, flounder and sheephead."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 91 was put on its second reading by the following vote:

Yeas—28.

Beck.	Holbrook.
Berkeley.	Hornsby.
Cousins.	Hyer.
Cunningham.	Love.
DeBerry.	Martin.
Greer.	McFarlane.
Hardin.	Miller.

Moore.	Thomason.
Neal.	Westbrook.
Parr.	Williamson.
Parrish.	Wirtz.
Patton.	Witt.
Pollard.	Woodul.
Russek.	Woodward.

Absent—Excused.

Gainer.	Stevenson.
Small.	

The bill was read second time and passed to third reading.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 91 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Gainer.	Stevenson.
Small.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Gainer.	Stevenson.
Small.	

Senate Bill No. 63.

The Chair laid before the Senate the following bill:

By Senators Pollard, Greer and Love:

S. B. No. 63, A bill to be entitled "An Act to create the 120th Judicial District of Texas and to designate the counties constituting said district, and fixing the time for holding court therein; reorganizing the 86th Judicial District of Texas, and designating the counties constituting said district and fixing the time for holding court in the various counties of said district; etc., and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted. The bill was read second time.

Adjournment.

On motion of Senator Holbrok the Senate, at 4:35 o'clock, adjourned until 10 o'clock tomorrow morning.

APPENDIX.**Committee on Engrossed Bills.**

Committee Room,

Austin, Texas, March 11, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 58 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, March 11, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 42 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, March 11, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No.

68 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, March 11, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 45 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, March 11, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 64 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, March 11, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 54 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, March 11, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 67 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, March 11, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 74 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, March 11, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 48 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 11, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 36 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 11, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 61 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 11, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 73 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, March 11, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 75, A bill to be entitled "An Act to amend Chapter 5, Title 115 of the Revised Civil Statutes of 1925 by adding thereto Art. 6662-a, providing that all ordinances of cities, towns, or villages levying assessments against property for the paving, straightening, widening, opening, extending, grading, raising, lowering or improving streets, or levying assessments for public improvements of any kind or character, be filed for record in the office of the county clerk of the county in

which any such city, town or village is located before constituting liens against any such real property as against purchasers or mortgages for valuable considerations; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the attached committee substitute do pass in lieu thereof and that it be printed in the Journal but not otherwise.

BERKELEY, Chairman.

Committee Substitute for
H. B. No. 75.

A BILL

To Be Entitled

An Act providing for filing with County Clerks notices of special assessment proceedings for improvement of streets, avenues, alleys, highways, boulevards, drives, public places, squares and any portion or portions thereof by cities, towns, and villages, providing for the recording of such notices and the contents thereof and the time at which special assessment and re-assessment liens for such improvements shall take effect, providing incidental matters and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the term "street" as used herein shall include any street, alley, avenue, alley, highway, boulevard, drive, public place, square or any portion or portions thereof.

Sec. 2. That whenever the Governing Body of any city, town or village shall, by resolution, ordinance or other proceedings, order, direct or provide or determine it to be necessary that any street be improved in any manner, then if it is proposed that all or any part of the cost of such improvements be levied or assessed and made a lien on property abutting thereon, there shall be filed with the County Clerk of the county or counties in which such property is situated, a notice signed in the name of such city, town or village by its Clerk, Secretary or Mayor or other officer performing the duties of such. Such notice shall meet all

requirements of this Act when it shows substantially that the Governing body of such city, town or village has ordered, directed or otherwise provided or determined it to be necessary that such street be improved and shall give the name thereof with the two cross streets or other approximate lengthwise limits between which same is to be or has been improved, or shall otherwise identify or designate same and shall state that a portion of the cost of such improvement is to be or has been specially assessed as a lien upon property abutting thereon. It is specially provided that one notice may embrace and include any number of streets or improvements.

Sec. 3. If it is proposed that all or any part of the cost of improving any such street be assessed as a lien on any property other than that abutting thereon, then a notice so signed shall be filed with the Clerk of the county or counties in which property affected is situated and such notice in cases shall designate the property proposed to be assessed or the district within which assessments have been or may be made or shall otherwise identify the property against which a lien is proposed to be assessed.

Sec. 4. It shall not be necessary that any notice required by this Act give details or that it be sworn to or acknowledged and same may be filed at any time and the County Clerk with whom any such notice is filed shall record same in the records of mortgages or deeds of trust and shall index same in the name of the city, town or village and in the name or other designation of the street or streets to the improvement of which the notice relates.

Sec. 5. That in all instances coming within the purview of this Act the lien of any assessment or re-assessment upon the property assessed or re-assessed shall take effect and be in force at and from the filing of the notice herein provided for and not before such filing and substantial compliance with the provisions of this Act shall be sufficient.

Sec. 6. That this Act shall not apply to or in any wise affect special assessments or re-assessments or liens fixed nor to any assessments, re-assessments or liens for any such

improvements ordered, directed or provided for prior to the time this Act takes effect.

Sec. 7. That this Act shall supersede all other parts of laws with reference to the time that liens of any assessments or re-assessments shall take effect.

Sec. 8. The fact that no notice of special assessments or re-assessment proceedings or liens is now required to be filed with the County Clerk and the fact that under Chapter 17 of Title 28, Revised Statutes of 1925, it is impossible to know what property is affected with a lien in advance of the designation of the property or district to be assessed and the fact that there is a lack of uniformity in cities, towns, and villages as to the time liens of special assessments for public improvements take effect even on abutting property constitutes and creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and such rule is hereby suspended and this Act shall be in force from and after its passage and it is so enacted.

By Morse.

H. B. No. 75.

A BILL

To Be Entitled

An Act to amend Chapter 5, Title 115 of the Revised Statutes of 1925 by adding thereto Article 6662-a, providing that all ordinances of cities, towns, or villages levying assessments against property for the paving, straightening, widening, opening, extending, grading, raising, lowering or improving streets, or levying assessments for public improvements of any kind or character, be filed for record in the office of the County Clerk of the county in which any such city, town, or village is located before constituting liens against any such real property as against purchasers or mortgagees for valuable considerations; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That there shall be added to Title 115, Chapter 5 of the Revised Civil Statutes of 1925 a new Article (known as Article 6662-a,

which shall read and provide as follows:

Article 6662-a. Before any ordinance or resolution of any city, town or village levying an assessment against real property in such city, town or village for the paving, straightening, widening, opening, extending, grading, raising, lowering or improving any street or streets, or levying assessments for public improvements of any kind or character, shall be effective to create a lien on any such property as against purchasers thereof for value, or mortgagees thereof for value, a certified copy of such ordinance or resolution shall be filed and recorded in the office of the County Clerk of the county in which such city, town or village is located. Such ordinance shall give the name of the street, or streets, the name of the owners along such street or streets, the property against which the assessments were made and the amount of the assessment against each respective owner. Should any such ordinance or resolution establish a district to be benefitted by any of the kinds of improvements above mentioned, then such ordinance shall further describe the district to be benefitted, the streets therein, the names of the owners of the properties upon such street or streets, the property assessed and the amount assessed against each piece of property."

Sec. 2. The fact that there is no provision in the existing Statutes for the recording of assessments and resolutions of municipal governments making assessments against real property and purchasers and mortgagees thereof have no way to be advised as to said assessments, constitutes an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and such Rule is hereby suspended, and this Act shall be in force from and after its passage and it is so enacted.

Committee Room,
Austin, Texas, March 11, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on

Town and City Corporations, to whom was referred

S. B. No. 34, A bill to be entitled "An Act amending Chapter 46, Acts Forty-first Legislature, Second Called Session, by adding thereto a section to be known as Section 1-A, providing that where a city has defaulted in the payment of its obligations, and an application for a receiver has been made, that if upon a hearing of the application for a receiver the court finds that at the time of the default made in the payment of the city's obligation, it levied the highest rate of taxation allowed by the Constitution and laws of the State and that it placed all taxable property at its full valuation and applied the funds derived from taxation upon the reasonable and necessary operating expenses of the city, and upon the liquidation of the bonds and outstanding indebtedness of the city, and that at the time of the application for a receiver the tax rate of the city was fixed at the highest rate allowed by the Constitution and laws of the State, and that all property subject to taxation was assessed at its full value, and that the funds derived therefrom were applied properly to the reasonable and necessary operating expenses of the city, and to the payment and liquidation of the bonds and outstanding indebtedness of the city, no receiver shall be appointed; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal but not otherwise.

BERKELEY, Chairman.

By Cunningham. S. B. No. 34.

A BILL

To Be Entitled

"An Act amending Chapter 46, Acts 41st Legislature, Second Called Session, by adding thereto a Section to be known as Section 1-A, providing that where a city has defaulted in the payment of its obligations, and an application for a receiver has been made, that if upon a hearing of the application for a receiver the court finds that at the time of the default made in the payment of the city's obliga-

tion, it levied the highest rate of taxation allowed by the constitution and laws of the State, and that it placed all taxable property at its full valuation and applied the funds derived from taxation upon the reasonable and necessary operating expenses of the city, and upon the liquidation of the bonds and outstanding indebtedness of the city, and that at the time of the application for a receiver the tax rate of the city was fixed at the highest rate allowed by the constitution and laws of the state, and that all property subject to taxation was assessed at its full value, and that the funds derived therefrom were applied properly to the reasonable and necessary operating expenses of the city, and to the payment and liquidation of the bonds and outstanding indebtedness of the city, no receiver shall be appointed; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

That Chapter 46, Acts 41st. Legislature, Second Called Session, be amended by adding to said Chapter 46 a Section, to be known as Section 1-A, erasing as follows:

"Section 1-A: If upon hearing of the application for a receiver the court finds that when default was made in the payment of the obligations of the city it levied the highest rate of taxation allowed by the constitution and laws of the State of Texas, and placed the valuation of all the taxable property for all purposes of taxation at the full value thereof, and applied the funds derived from taxation upon the reasonable and necessary operating expenses of the city, and upon the liquidation of bonds and outstanding indebtedness of the municipality, and at the time of said application the tax rate of the city or town is the highest rate allowed by the constitution and laws of the State of Texas, and the valuation of the taxable property for all purposes of taxation is the face value thereof, and that the funds derived from the taxation of said property are being applied by the city upon the liquidation of the bonds and outstanding indebtedness and obligations and upon the reasonable and necessary

operating expenses of the city, no receiver shall be appointed."

Section 2. The fact that it would not be beneficial to the holders of the obligations of a city, and the city, to have a receiver appointed, where after the default in the payment of the obligations, the city levied the highest rate of taxes allowed by the laws of the State, and assessed the taxable property at its full valuation, and applied the proceeds derived therefrom to the reasonable and necessary operating expenses of the city, and the payment of its obligations, and has continued to do so creates an emergency and imperative public necessity; that the constitutional rule requiring bills to be read on three several days in each house be suspended and said rule is hereby suspended, and this bill shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 11, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 74, A bill to be entitled "An Act validating all elections, election orders, election proceedings and city ordinances annexing adjacent territory to, or extending and prescribing the corporate limits of, any home rule city that has adopted a charter under Article Eleven (11), Section Five (5), of the Constitution of Texas, and the provisions of Chapter 147, Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, 1913, but which city did not in fact have a population of five thousand according to the 1910 Federal census; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, March 11, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 75, A bill to be entitled "An Act fixing the compensation of county commissioners in counties having a population of not less than 7550 and not more than 7590 according to the United States census of 1930, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, March 11, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 66, A bill to be entitled "An Act extending any appropriation heretofore made for the year ending August 31, 1930, out of the general revenues for the purpose of promoting the public school interest of rural schools and equalizing the educational opportunities afforded by the State to all children of scholastic age living in small and financially weak school districts, so that the same may be used for the next fiscal year if there be any remaining at the end of this fiscal year; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

NEAL, Chairman.

By Greer.

S. B. No. 66.

A BILL To Be Entitled

An Act extending any appropriation heretofore made for the year ending August 31, 1930, out of the general revenues for the purpose of promoting the public school interest of rural schools and equalizing the educational opportunities afforded by the State to all children of scholastic age living in small and financially weak school districts, so that the same may be used for the next fiscal year if there be any remaining at the end of this fiscal year; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Section 1 of Chapter 14 of the General Laws of the Third Called Session of the Forty-first Legislature is hereby amended so as to read as follows:

Sec. 1. For the purpose of promoting the public school interest of rural schools and equalizing the educational opportunities afforded by the State to all children of scholastic age living in small and financially weak school districts, there is hereby appropriated out of the General Revenue Two Million Five Hundred Thousand Dollars, (\$2,500,000.00) or so much thereof as may be necessary for the school year ending August 31, 1930, and Two Million Five Hundred Thousand Dollars (\$2,500,000.00) or so much thereof as may be necessary, for the school year ending August 31, 1931, to be allotted and expended in accordance with the provisions of this Act. Provided that if any of the appropriation made herein for the year ending August 31, 1930 should be unexpended on August 31, 1930, such unexpended balance may be used and is hereby appropriated for the year ending August 31, 1931.

Sec. 2. The fact that there will probably be an unexpended balance in said appropriation at the end of this fiscal year which will be needed next year, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 11, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 91, A bill to be entitled "An Act to amend Chapter 119, Section 1, Acts of the Regular Session of the Forty-first Legislature, providing a size limit on speckled sea trout, red fish, drum, flounder and sheephead; and declaring an emergency."

Have had the same under con-

sideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, March 11, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 23, A bill to be entitled "An Act to amend Chapter 81 of the General Laws of the State of Texas, passed by the Fourth Called Session of the Thirty-fifth Legislature, approved April 3, 1918, creating the Commisison of Appeals of the State, as amended by Chapter 34 of the General Laws of the State of Texas, passed by the Second Called Session of the Thirty-sixth Legislature, approved July 25, 1919, as amended by Chapter 119 of the General Laws of the State of Texas passed by the Regular Session of the Thirty-seventh Legislature approved March 31, 1921, as amended by Chapter 154 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-eighth Legislature, approved March 30, 1923, as amended by Chapter 53 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-ninth Legislature, etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with the following Committee Amendment, to-wit:

"Amend H. B. No. 23 by striking out of the caption the following words "and providing for the confirmation of such Commissioners by the Senate," and by striking out of Section 2 of the bill the following language, to-wit: "Provided and except, however, no member of the Commission of Appeals so appointed as herein set out shall qualify or receive the oath of office until his appointment shall have been confirmed by and through the advice and consent of two-thirds of the Senate present;" and by striking out of Section 3 the following language, to-wit: "Provided and except, however, such appointment, if made dur-

ing its session, shall be with the advice and consent of two-thirds of the Senate present. If made during the recess of the Senate, the said appointee, or some other person to fill the vacancy, shall be nominated to the Senate during the first ten days of it ssession. If rejected, said office shall immediately become vacant, and the Supreme Court shall, without delay, make further nominations until a confirmation takes place. But should there be no confirmation during the session of the Senate, the Supreme Court shall not thereafter appoint any person to fill such vacancy who has been rejected by the Senate, but may appoint some other person to fill the vacancy until the next session of the Senate."

It is further recommended that said bill be not printed either in bill form or in the Journal.

WOODWARD, Chairman.

By Graves of Wil- H. B. No. 23.
Hamson.

A BILL

To Be Entitled

An Act to amend Chapter 81 of the General Laws of the State of Texas, passed by the Fourth Called Session of the 35th. Legislature, approved April 3, 1918, creating the Commission of Appeals of the tState, as amended by Chapter 34 of the General Laws of the State of Texas, passed by the Second Called Session of the 36th. Legislature, approved July 25, 1919, as amended by Chapter 119 of the General Laws of the State of Texas passed by the Regular Session of the 37th. Legislature, approved March 31, 1921, as amended by Chapter 154 of the General Laws of the State of Texas, passed at the Regular Session of the 38th Legislature, approved March 30, 1923, as amended by Chapter 53 of the General Laws of the State of Texas, passed by the Regular Session of the 39th Legislature, approved March 9, 1925, providing for the creation of a Commission to aid the Supreme Court of Texas; regulating their powers and duties; prescribing their qualifications, appointment, duration of service; authorizing one Judge of the Supreme Court and two members of the Commission to act

upon petitions for writs of error; providing for stenographers, clerical help, and porter and fixing their compensation; fixing the salaries of the judges thereof, the manner of payment thereof; and providing for the confirmation of such Commissioners by the Senate; and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. The Supreme Court of this State is hereby authorized to appoint a Commission, to be composed of six attorneys at law, having those qualifications fixed by the laws and Constitution of this state for the Judges of the Supreme Court of Texas, which Commission shall be for the aid and assistance of said Court in disposing of the business before it; and such Commission shall discharge such duties as may be assigned it by said Court. Each Judge of said Commission shall receive for his services the same salary, paid in the same manner as are the salaries of the members of the present Commission of Appeals.

Sec. 2. The present members of the Commission of Appeals shall continue in office until the expiration of the terms for which each of them has been appointed. Upon the expiration of the terms of office of the present members of the Commission of Appeals, the Supreme Court of this State shall appoint the six Judges hereinbefore provided for, two of whom shall serve for a period of two years, two for four years and two for six years from the date of their appointment, such terms to be designated by the Supreme Court, and thereafter the Supreme Court shall every two years appoint two Judges of the Commission whose terms of office shall be for a period of six years. "Provided and except, however, no member of the Commission of Appeals so appointed as herein set out shall qualify or receive the oath of office until his appointment shall have been confirmed by and through the advice and consent of two-thirds of the Senate present."

Sec. 3. In case of a vacancy on said Commission of Appeals by the death, resignation or removal of any Judge thereof, it shall be the duty of the Supreme Court to fill the same by appointment and the person so

appointed shall continue in office for the unexpired portion of the term for which the Judge so vacating his office has been appointed. Provided and except, however, such appointment, if made during its session, shall be with the advice and consent of two-thirds of the Senate present. If made during the recess of the Senate, the said appointee, or some other person to fill such vacancy, shall be nominated to the Senate during the first ten days of its session. If rejected, said office shall immediately become vacant, and the Supreme Court, shall, without delay, make further nominations until a confirmation takes place. But should there be no confirmation during the session of the Senate, the Supreme Court shall not thereafter appoint any person to fill such vacancy who has been rejected by the Senate, but may appoint some other person to fill the vacancy until the next session of the Senate.

Sec. 4. The Commission of Appeals shall hear the submission of causes under such rules and regulations as may be prescribed by the Supreme Court, and such Court may adopt the opinion prepared by any Judge of the said Commission and make the same the judgment of the Supreme Court.

Sec. 5. Two Judges of said Commission designated by the Supreme Court acting with one member of the Supreme Court shall be authorized to pass upon all applications for writs of error presented from the Courts of Civil Appeals, and the action of said Judges of the Commission and one member of the Supreme Court in passing upon such applications shall be given the same force and effect as if the same were passed upon by the Supreme Court; provided, upon any application in which the three judges are not unanimous, the same shall be determined by the Supreme Court.

Sec. 6. In cases referred to the Commission the papers shall not be re-filed with said Commission, and only such additional costs as may be essential to carry into effect the provision hereof shall be incurred by the parties to such cases by reason of reference thereto.

Sec. 7. The Commission shall hold its sessions in Austin at the

same time and place as the Supreme Court, but it shall continue work during the vacation of the Supreme Court in mid-summer. The Judges of the Commission may take a vacation, not to exceed eight weeks during said period.

Sec. 8. The Commission shall appoint stenographers not exceeding four, each of whom shall receive an annual salary not to exceed Fifteen Hundred Dollars, to be paid in monthly installments, on warrants approved by the Chief Justice of the Supreme Court.

Sec. 9. The Clerk of the Supreme Court shall perform the duties of clerk of said Commission and shall be allowed for services rendered to said Commission by him and his deputies, an additional compensation of Fifteen Hundred (\$1500.00) Dollars per annum, to be paid out of the fees of his office.

Sec. 10. Said Commission of Appeals shall have a seal, being a star with five points and the words "Commission of Appeals of the State of Texas" around the same.

Sec. 11. Regular dockets and minutes of all proceedings by or before said Commission of Appeals shall be kept, and the records and proceedings of Courts of Record, and all cases shall be docketed in the order in which they are transferred or referred by the Supreme Court. Said Commission shall have the right to issue writs of certiorari to perfect the record, and such process as the Supreme Court might issue to make parties, and shall have power to punish for contempt. All laws and rules regulating the practice and procedure in the Supreme Court shall be of force in the practice and proceedings of the Commission of Appeals so far as practicable.

It is the intention of this Act to make more elastic the operation of the Commission of Appeals in order to expedite the disposition of causes in the Supreme Court and the Supreme Court is given full authority to assign such duties to the Commission of Appeals or the members thereof as it may deem proper in order to facilitate the dispatch of business before the Supreme Court.

Sec. 12. The salaries of the six Judges of the Commission, stenographers, porters, clerical help and

other expenses essential to carry on the work of the Commission of Appeals shall be paid out of the appropriation made to take care of the salaries and expenses of the present Commission as it now exists.

Sec. 13. The fact that the present Commission of Appeals will expire by its own limitation upon the last Saturday in June, 1931, and the further fact that the docket of the Supreme Court is still in a very crowded condition and will be so at the time the Commission of Appeals will expire, and the great necessity that cases now pending in the Supreme Court and petitions for writs of error to said Court shall be disposed of as expeditiously as may be done, creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule that Bills be read in each House on three several days, and said Rule is hereby suspended, and that this Act take effect and be in force from and after its passage and it is so enacted.

Committee Room,

Austin, Texas, March 11, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 63, A bill to be entitled "An Act to create the 120th Judicial District of Texas and to designate the counties constituting said district, and fixing the time for holding court therein; reorganizing the 86th Judicial District of Texas, and designating the counties constituting said district and fixing the time for holding court in the various counties of said district; providing for the appointment and election of a judge of the said 120th Judicial District of Texas, and that the District Attorney of the Third Judicial District of Texas shall be the District Attorney of the 120th Judicial District in Anderson and Henderson Counties only; and the District Attorney of the Seventh Judicial District of Texas shall be the District Attorney of the said 120th Judicial District in Smith County only, and the County Attorney of Van Zandt County, Texas, shall be the District Attorney of the said 120th Judicial District in Van Zandt County only,

and the clerks of the District Courts of the four counties composing the said 120th Judicial District of Texas, shall be the clerk of said district in their respective counties; and prescribing the term for holding courts of the 120th Judicial District and the Eighty-sixth Judicial District of this State and to conform the dockets of the Third, Seventh, 86th and the various District Courts of Dallas County to the changes and to conform all writs and process from such courts to such changes and to make all writs and process issued or served before this Act takes effect, including recognizances and bond, returnable to the term of court in the several counties, composing the districts as herein created, changed and fixed and to validate the summoning of all juries; and providing for the continuation of courts in session in said district when this Act takes effect to the end of its term; repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PATTON, Chairman.

Committee Room,

Austin, Texas, March 11, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 19, A bill to be entitled "An Act amending Article 7060 of the Revised Civil Statutes of 1925 so as to increase and provide for gross receipts taxes upon those engaged in owning, operating, managing, or controlling any gas, electric light, electric power or water works, or water and light plant, for local sale and distribution in any incorporated town or city within this State and charging for gas, electric lights, electric power, or water and levying said tax without regard to the population of the incorporated town or city in which same is operated; repealing Sections 17, 18 and 19 of Article 7047 of the Revised Civil Statutes of 1925; and declaring an emergency."

Have had the same under con-

sideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the following committee amendment, and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

Committee Amendment.

Amend H. B. No. 19 by adding at the end of Section 1 the following:

"Nothing herein shall be construed to require payment of the tax on gross receipts herein levied more than once on the same commodity, and where the commodity is produced by one individual, company, corporation or association, and distributed by another, the tax shall be paid by the distributor alone."

By Hubbard and H. B. No. 19.
Graves of Wil-
liamson.

A BILL

To Be Entitled

An Act amending Article 7060 of the Revised Civil Statutes of 1925 so as to increase and provide for gross receipts taxes upon those engaged in owning, operating, managing, or controlling any gas, electric light, electric power or water works, or water and light plant, for local sale and distribution in any incorporated town or city within this State and charging for gas, electric lights, electric lights, electric power, or water and levying said tax without regard to the population of the incorporated town or city in which same is operated; repealing Sections 17, 18 and 19 of Article 7047 of the Revised Civil Statutes of 1925; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 7060 of the Revised Civil Statutes of 1925 is hereby amended so as to read as follows:

"Article 7060. Each individual, company, corporation or association owning, operating or managing or controlling any gas, electric light, electric power or water works or water and light plant, located within any incorporated town or city in this State, and used for local sale

and distribution in said town or city, and charging for such gas, electric lights, electric power or water, shall make quarterly, on the first days of January, April, July and October of each year, a report to the Comptroller under oath of the individual, company, corporation or association showing the gross amount received from such business done in such incorporated city or town within this State in the payment of charges for such gas, electric lights, electric power or water for the quarter next preceding. Said individual, company, corporation or association, at the time of making said report for any such incorporated town or city, shall pay to the Treasurer of this State an occupation tax for the quarter beginning on said date equal to one half of one per cent, of said gross receipts, as shown by said report. Nothing herein shall apply to any such gas, electric light, power or water works or water and light plant within this State owned and operated by any city or town, nor to any county or Water Improvement or Conservation District."

Sec. 2. Sections 17, 18 and 19 of Article 7047 of the Revised Civil Statutes of 1925 are hereby repealed.

Sec. 3. The fact that there is urgent need for the revenue provided for in this Act creates an emergency and an imperative public necessity that the Constitutional Rule requiring Bills to be read on three several days in each House be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage and it is so enacted.

FOURTEENTH DAY.

Senate Chamber,
Austin, Texas,
March 12, 1930.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	DeBerry.
Berkeley.	Cunningham.
Cousins	Gainer.

Greer.	Parr.
Hardin.	Parrish.
Holbrook.	Patton.
Hornsby.	Pollard.
Hyer.	Russek.
Love.	Thomason.
Martin.	Westbrook.
McFarlane.	Williamson.
Miller.	Wirtz.
Moore.	Witt.
Neal.	Woodward.

Absent—Excused.

Small.	Woodul.
Stevenson.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Hyer.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Parr:

S. B. No. 81, A bill to be entitled "An Act creating the 113th Judicial District Court for Nueces County; defining its jurisdiction; transferring the civil original jurisdiction of the County Court of Nueces County to the court created hereby and adjusting the business of said courts; adjusting the business of the 28th District Court of Nueces County with the court created hereby; prescribing the duties of the District Clerk with respect thereto, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senators Williamson and Pollard:

S. B. No. 82, A bill to be entitled "An Act to amend Section 1 of Chapter 10 of the Acts of the Third Called Session of the Forty-first Legislature, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Love:

S. B. No. 83, A bill to be entitled "An Act creating one additional court for Dallas County, defining jurisdiction, adjusting the business of the existing district courts to the business thereof, prescribing the